

DECISION

VII. SPECIAL CONCERNS OF ORGANIZATIONS

A. State of Alaska

The circumstances under which the Federal government assumed major responsibility for management of subsistence uses of fish and wildlife on Federal public lands is unique in the United States. Federal assumption in Alaska of responsibility to carry out the activities in Title VIII of ANILCA is an issue of major concern to residents of the State of Alaska and their government. The people of Alaska and its government have provided extensive comment relative to the extent of Federal jurisdiction, scope of Federal authorities, and proposed implementation of the Federal program. They question especially, the Federal interpretation of management authority over fish, shellfish and wildlife as it relates to jurisdiction in tidal, marine, and navigable waters included in the definition of Federal public lands. The State is of the view that the role of the Federal government in assuring that the requirements of Title VIII are met, are much more narrow than considered in the Federal EIS. The State of Alaska asserts that the Federal Subsistence Management Program should be restricted to the question of eligibility and not contain broad wildlife management program elements.

With regard to the major program elements contained in the various alternatives, the State government favors those identified in Alternative IV for Board structure, rural determination process. They support the process for determining customary and traditional uses common to all alternatives. The overall approach for an advisory system and regulations process described in Alternative I was favored by State government.

The issue of navigable waters is of major significance to the State. As discussed in Chapter I of the EIS, this issue is outside the scope of the EIS and this decision. Ownership of tidal and submerged lands and of navigable waters is outside the subject of this EIS. This question is currently the subject of litigation between the State and Federal governments and the outcome of that litigation could change or confirm the direction taken in the Federal Subsistence Management Program.

B. Native Organizations

Alaska Native organizations favored Alternative III in the EIS over the other alternative. Alternative IV was also supported, but by fewer groups and usually as a secondary preference to Alternative III. Generally, Alaska Native interests seek the formulation of a Federal program favorable to Native interests and expressed strong desires to be directly involved in the decision making and active control and management of subsistence use and subsistence resources. Native interests consistently recommended that the Board have subsistence users as members. Many organizations asked that Federal jurisdiction be extended to include anadromous fish in navigable waters. They supported a Native preference, and would like to have a mechanism to allow those people with a long-standing customary use to continue that use even if they physically relocate to a non-rural area.

DECISION

The views of the Native organizations are generally supported by the BIA as reflected in the memoranda of the Assistant Secretary for Indian Affairs. The BIA specifically favors 12 subsistence management regions using ANCSA Regional Corporation boundaries and the rural process in Alternative III.

Navigable waters is also an issue of significance to many in the Native community. In general, as stated above, they want the Federal Subsistence Management Program to greatly expand its management role and jurisdiction over these waters and the resources they contain. Their concerns are also before the court at this time, depending upon the decision of the court, the direction and authority of the Federal program could change or be confirmed.

C. Local Governments

Comments from most local governments supported maintaining or acquiring rural status for their communities. Since most comments were from rural Alaskan villages they also expressed almost unanimous support for Alternative III. Other comments by local governments focused on regulations such as specific seasons, bag limits, methods and means of harvest that will be considered later in the implementation part following the formal rulemaking process.